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DATE

February 11, 2004

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TOTAL NO. OF PAGES 15 (including fax coversheet)

FROM James J. DeCarlo, Reg. No. 36,120

SENDER'S FAX NO. 212-806-6006

SENDER'S PHONE NO. 212-806-5742

SENDER'S EMAIL JDECARLO@stroock.com

ROOM NO. 3860

ATTORNEY NO. 2620

CLIENT/MATTER NAME U.S. Patent Appln. No. 10/670,099

CLIENT/MATTER NO. 694231/0118

MESSAGE

Transmitted herewith please find:

1. Certificate of Transmission by Facsimile (1 pg); and
2. Petition Requesting Correction of Filing Date...
(3 pgs plus 10 sheets of attachments)

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Docket No.
694231/0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew R. Volk

Group Art Unit: 2171

Application No.: 10/670,099

Examiner: Not Yet Known

Filed: September 22, 2003

For: **METHOD AND APPARATUS FOR ORGANIZING AND PLAYING
DATA**

Date: February 11, 2004

CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)

Mail Stop Commissioner for Patents
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

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is being transmitted by facsimile to the United States Patent and Trademark Office in
accordance with 37 C.F.R. § 1.8 on the following date: **February 11, 2004**

Jeffrey Mann

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(Signature)

SSL-DOCS1

Docket No.
694231/0118
JJD:JM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Andrew R. Volk**

Group Art Unit: **2171**

Application No.: **10/670,099**

Examiner: **Not Yet Known**

Filed: **September 22, 2003**

For: **METHOD AND APPARATUS FOR ORGANIZING AND PLAYING
DATA**

Date: **February 11, 2004**

**PETITION REQUESTING CORRECTION OF FILING
DATE (37 C.F.R. § 1.10(c) and 37 C.F.R. § 1.10(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have received a Filing Receipt for the above-identified patent application. It is noted that the indicated Filing Date of September 23, 2003, is incorrect. A copy of the first page of the Filing Receipt is annexed as Exhibit A.

There is a discrepancy between the filing date accorded by the Office (September 23, 2003) and the true date of deposit (September 22). For the following reasons, Applicants respectfully petition the Commissioner to accord this application a filing date of September 22, 2003.

This application was filed on September 22, 2003, utilizing the Express Mail procedure specified in 37 C.F.R. § 1.10. As required by 37 C.F.R. § 1.10(c)(3), and as proof this application was filed on September 22, 2003, Applicants annex as Exhibit B a copy of the Express Mail label (no. EL 898312568 US) for this filing bearing a USPS cancellation stamp dated September 22, 2003.

SSL-DOC51 1427027v1

Petition Requesting Correction Of Filing Date
(37 C.F.R. § 1.10(C) and 37 C.F.R. § 1.10(D))

It is noted that the "Date in" section of this label was erroneously filled in by the Postal Service clerk as "Mo 9 Day 23 Year 03", even though the application papers were deposited on September 22, 2003. However, the Postal Service cancellation stamp applied to the Express Mail label bears the correct date, September 22, 2003. This cancellation stamp constitutes an official USPS notation, as specified in 37 C.F.R. 1.10(c).

As required by 37 C.F.R. § 1.10(d) (3), and as proof this application was filed on September 22, 2003, Applicants have annexed as Exhibit C evidence directly obtained from the USPS that the label was erroneously filled out. As can be seen from the attached Track and Confirm document obtained from the USPS website, the application bearing the express mail number EL 898312568 US was accepted at the U.S. Post Office in New York, NY 10199 at 11:12PM on September 22, 2003.

As required by 37 C.F.R. § 1.10(c)(2) and 37 C.F.R. § 1.10(d)(2), the number of the Express Mail label was placed on the Utility Patent Application Transmittal form (PTO/SB/05), and the Certificate of Mailing by "Express Mail", both itemizing all the components papers of this application and submitted with the application. Copies of these papers are annexed as Exhibits D and E, respectively, as further proof that this application was filed on September 22, 2003, not September 23.

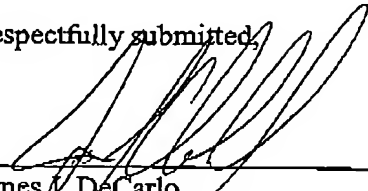
Correction of the Patent and Trademark Office's records and issuance of a corrected filing date are respectfully requested.

No fees are believed to be owed in connection with this Petition. Nevertheless, the Commissioner is hereby authorized to charge any fees now or hereafter due to Deposit Account No. 19-4709.

Petition Requesting Correction Of Filing Date
(37 C.F.R. § 1.10(C) and 37 C.F.R. § 1.10(D))

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,



James J. DeCarlo
Registration No. 36,120
Attorney for Applicants
STROOCK & STROOCK & LAVAN, LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FILE FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|----------------|-----------------|----------|----------|----------|
| 10/670,099 | 09/23/2003 | 2171 | 918 | 694231.0118 | 16 | 17 | 5 |

James J. DeCarlo
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

CONFIRMATION NO. 6282

FILING RECEIPT

OC000000011806945

Date Mailed: 02/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Andrew R. Volk, San Francisco, CA;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/459,341 08/11/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2004

Projected Publication Date: 12/16/2004

Non-Publication Request: No

Early Publication Request: No



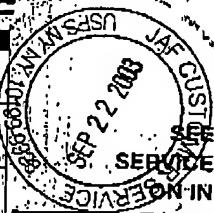

Title

Method and apparatus for organizing and playing data

Preliminary Class

707

EXHIBIT B

| | | | | | |
|---|---|---|---|---|--|
|  EXPRESS MAIL UNITED STATES POSTAL SERVICE® | | POST OFFICE TO ADDRESSEE | |  EL 898312568 US | |
| ORIGIN (POSTAL USE ONLY) | | | | | |
| PO ZIP Code 10499 | Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second | Flat Rate Envelope <input type="checkbox"/> | |  SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMITS ON INSURANCE COVERAGE | |
| Date in 9-23-03 | Postage \$17.81 | Return Receipt Fee | | | |
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| No Delivery Address <input type="checkbox"/> Westland <input type="checkbox"/> Midway | | Signature Required <input type="checkbox"/> Signature Required <input type="checkbox"/> Signature Not Required | | MAIVER OF SIGNATURE (Compulsory Only): Additional merchandise or insurance is void if signature is requested. If not delivery to be made without signature of addressee or authorized agent, it is delivery employee's judgment as to whether it is safe to deliver in secure location and authorized signature of employee is required. Signature of addressee or authorized agent is required for delivery of insured mail. Signature of addressee or authorized agent is required for delivery of insured mail. Signature of addressee or authorized agent is required for delivery of insured mail. | |
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| METHOD OF PAYMENT: Business Mail Corporate Acct. No. | | | | | |
| FROM: (PLEASE PRINT) STROOCK STROOCK & LAVAN LLP 180 MAIDEN LN NEW YORK NY 10038-4925 JJD:JM 694231-0118 | | | TO: (PLEASE PRINT) MAIL STOP PATENT APPLICATION Commissioner for Patents P. O. Box 1450 Alexandria, Virginia 22313-1450 | | |
| FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com  | | | | | |

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EXHIBIT C



Track & Confirm

Shipment Details

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Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, September 23, 2003, 9:39 pm, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, September 23, 2003, 9:24 pm, DULLES, VA 20102
- ACCEPTANCE, September 22, 2003, 11:12 pm, NEW YORK, NY 10199

Notification Options

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EXHIBIT D

PTO/SB/DS (08-CS)

Approved for use through 07/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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| | | |
|---|------------------------|--|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | Attorney Docket No. | 694231.0118 |
| | First Inventor | Andrew R. VOLK |
| | Title | Method and Apparatus for Organizing and Playing Data |
| | Express Mail Label No. | EL 898312568 US |

| | |
|---|---|
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents. | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 |
|---|---|

| | |
|--|---|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> Applicant claims small entity status. See 37 CFR 1.27. | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> |
| 2. <input type="checkbox"/> Specification <i>(Total Pages 35)</i> <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure | 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>(Total Sheets 16)</i> 5. Oath or Declaration <i>(Total Sheets)</i> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | ACCOMPANYING APPLICATION PARTS 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> 11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(If foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other: |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 10/459,341

Prior application information: Examiner (not yet assigned) Art Unit: _____

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number: _____ OR ☒ Correspondence address below

| | | | |
|---------|-------------------------------|--------------|--------------|
| Name | James J. DeCarlo | | |
| Address | Stroock & Stroock & Lavan LLP | | |
| | 180 Maiden Lane | | |
| City | New York | State | NY |
| Country | United States | Zip Code | 10038 |
| | Telephone | 212-806-5400 | Fax |
| | | | 212-806-6006 |

| | | | |
|-------------------|-------------------------|-----------------------------------|--------------------|
| Name (Print/Type) | James J. DeCarlo | Registration No. (Attorney/Agent) | 90 991 |
| Signature | <i>James J. DeCarlo</i> | Date | September 22, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SSL-DOCS1 -1380683v1

EXHIBIT E

Docket No.
694231.0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew R. VOLK

Group Art Unit: To Be Assigned

Application No.: To be Assigned

Examiner: To be Assigned

Filed: September 22, 2003

For: METHOD AND APPARATUS FOR ORGANIZING AND PLAYING DATA

Date: September 22, 2003

CERTIFICATE OF MAILING
BY "EXPRESS MAIL" (37 C.F.R. § 1.10)

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

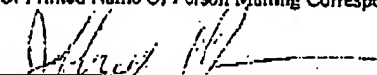
Specification (pages); Drawings (pages); Utility Patent Application Trans. (1 page);
Fee Transmittal (in duplicate); Declaration and Power of Attorney of Andrew R. Volk
(facsimile copy and executed) (3 pages); Assignment & Cover Sheet (3 pages); Postcard

is being deposited on September 22, 2003 with the United States Postal Service
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Mail Stop Patent Application
Commissioner for Patents
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Jeffrey Mann

(Typed Or Printed Name Of Person Mailing Correspondence)


(Signature Of Person Mailing Correspondence)

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